BEFORE THE LOK ADALATH
ORGANIZED BY THE HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

OP.No. 19922 of 1999(V)

PETITIONER:

M.SANTHAKUMARI
"PRATHIBHA"
KONGAL
PARAVUR.P.O.
KOLLAM DISTRICT

BY ADV. SRI.T.C.GOVINDA SWAMY
SRI.MARTIN G.THOTTAN

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY,
GOVERNMENT OF KERALA.
GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT
LOCAL ADMINISTRATION DEPARTEMENT.
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
KOLLAM DISTRICT.

4. THE MUNICIPAL SECRETARY,
PARAVUR MUNICIPALITY,
PARAVUR.P.O.,
KOLLAM DISTRICT. PIN 691 301.

5. K.SADASIVAN,
SHRIKRISHNA BHAVAN,
KONGAL,
PARAVUR.P.O.,
KOLLAM DISTRICT. PIN 691 301. (DECEASED)

*6. O.VANAJAKSHY,
S/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN,
KONGAL,
PARAVUR.P.O.
KOLLAM DISTRICT.

*7. S.GIRIJA, D/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN, KONGAL,
PARAVUR.P.O.,
KOLLAM DISTRICT, PIN-691 301

*8. S.VASANTHA, D/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN,
KONGAL, PARAVUR.P.O.,
KOLLAM DISTRICT., PIN-691 301.

*9. S.ANITHA, D/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN, KONGAL,
PARAVUR.P.O
KOLLAM DISTRICT, PIN-691 301.

*10. S.SUNANTHA, D/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN
PARAVUR.P.O.
KOLLAM DISTRICT, PIN -691 301.

*11. S.SAJEEV, S/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN, KONGAL,
KOLLAM DISTRICT., PIN -691 301.

*12. S.RAJEEV, S/O.LATE K.SADASIVAN,
SHRIKRISHNA BHAVAN, KONGAL,
KOLLAM DISTRICT, PIN-691 301.

(ADDL.RESPONDENTS 6 TO 12 IMPLEADED AS LEGAL REPRESENTATIVES OF THE DECEASED R5 AS PER ORDER DTD. 1-6-2000 ON CMP 24509/2000)

BY ADV. SRI.S.SANTHOSH KUMAR(FOR R6 TO R10))
SMT.A.B.MOLLY
SRI.S.VIJAYAKUMAR
SRI.M.N.SUKUMARAN NAYAR (FOR R4)
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

CMP. NO.32850 OF 1999, CMP. NO.62987 OF 2002 & CMP.NO.6535 OF 2004 IN OP NO.19922 OF 1999

CLOSED IN VIEW OF SETTLEMENT AT THE ADALATH

SD/- M.M.PAREED PILLAY (RETD. CHIEF JUSTICE)

5.1.2007. SD/- M.R.HARIHARAN NAIR (RETD. JUDGE)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF PETITONER'S REPRESENTATION DATED, 15-7-98 ADDRESSED TO THE 4TH RESPONDENT.

EXT. P2: COPY OF LETTER NO.1172/98 DATED, 22-07-1998 ISSUED BY THE 4TH RESPONDENT.

EXT. P3: COPY OF PETITONER'S APPEAL DATED, 22-07-98 ADDRESSED TO THE 2ND RESPONDENT.

EXT. P4: COPY OF ORDER NO.31404/E3/98LAD DATED 24-07-1998 PASSED BY THE 2ND RESPONDENT .

EXT.P5: COPY OF PETITIOENR'S LETTER DATED, 1-11-1998 ADDRESSED TO THE GOVERNMENT.

EXT. P6: COPY OF PETITIONER'S DETAILED ARGUMENT NOTES DATED, 4-11-98 ADDRESSED TO THE GOVERNMENT.

EXT. P7: COPY OF ORDER NO.15013/E3/99/LAD DATED, 3-7-99 ISSUED BY THE 2ND RESPONDENT.

EXT. P8: COPY OF PETITIONER'S REVIEW PETITION DATED, 16-07-1999 SUBMITTED TO THE GOVERNMENT.

EXT. P9: COPY OF ORDER NO.C/2280/T-890/97/K.DIS DATED 17-1-1998 ON BEHALF OF THE 3RD RESPONDENT.

EXT. P10: COPY OF ORDER NO.B.A.386/97-98 DATED, 21-7-98 ISSUED BY THE 4TH RESPONDENT.

EXT. P11: COPY OF GOVERNMENT OF KERALA, LOCAL ADMINISTRATION (D) DEPARTMENT G.O.(MS)NO.70/95 DATED, 29-4-95.

RESPONDENT'S EXHIBITS:

EXT. R5(A): COPY OF ORDER NO.C-2280/T-890/97/K.DIS. DATED 17-1-1998 OF THE 3RD RESPONDENT.

EXT. R5(B): COPY OF ORDER NO.BA-386/97-98 DATED 21-7-1999 OF THE 4TH RESPONDENT.

EXT. R5(C): COPY OF PLAN OF THE BUILDING APPROVED BY THE 4TH RESPONDENT.

/TRUE COPY/

jp

M.M.PAREED PILLAY (RETD. CHIEF JUSTICE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

O.P. No. 19922 OF 1999(V)

Dated this the 5th day of January, 2007

A W A R D

M.M.PAREED PILLAY (Rtd. Chief Justice)

Petitioner's counsel, son in law of the 5th respondent and Building Inspector representing the 4th respondent are present. Challenge was made with regard to Ext.P7 Order granting sanction to construct building excluding toilet portion of the approved plan. Under Ext.P9 Order it was directed that before starting the construction building permit from Paravur Municipality should be obtained. Ext.P10 is the building permit. It is stated that based on these Orders, the 5th respondent has completed the construction without toilet and the Municipality has also given building number. In view of this development the petitioner is prepared to settle the matter provided the right to object with regard to the construction of toilet near her house is left in tact. In view of this OP is closed with a direction that it will be open to the L.Rs of the 5th respondent to enjoy the building in the present form and that as and when they moves for permit to construct a toilet, notice will be given to the petitioner also and that it would be open to her to object to such construction if deemed necessary at that stage.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

Page numbers

jp